

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
KALLED, Susan et al.	)	
	)	
Application No.: 10/576,527	)	Group Art Unit: 1646
	)	
Filed under § 371: April 19, 2006	)	Examiner: Gyan Chandra
	)	
International Filing Date: October 20, 2004	)	Confirmation No.: 3828
	)	
For: A METHOD OF TREATING A	)	
PATIENT HAVING AN		
AUTOIMMUNE DISORDER BY		
ADMINISTERING AN ANTIBODY		
THAT BINDS HUMAN BAFFR (as		
amended)		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT—PRE-GRANT**

In accordance with 37 C.F.R. § 1.705(b), Applicant hereby applies for patent term adjustment under 35 U.S.C. § 154(b) of 151 days. This application is being filed before or with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

**I. Statement of the Facts Involved**

**A. Correct Patent Term Adjustment**

Applicant received the Determination of Patent Term Adjustment with the Notice of Allowance and Fee(s) Due mailed from the Patent and Trademark Office (PTO) on

July 21, 2010, advising that this application is entitled to 104 days of patent term adjustment.

Applicant has calculated a patent term adjustment of 151 days based on the following facts:

**Relevant Dates**

The above-identified application was filed April 19, 2006.

Applicants completed the requirements of 35 U.S.C. § 371(c) on May 1, 2007.

The PTO mailed an Office Action, which was a Restriction Requirement, on October 15, 2008, resulting in a PTO delay of 106 days beyond the 14 months provided by 35 U.S.C. § 154(b).

Applicants filed a response on November 12, 2008.

The PTO mailed an Office Action on December 10, 2008.

Applicants filed a response on March 12, 2009, resulting in an Applicant delay of 2 days beyond the 3 months provided by 35 U.S.C. § 154(b).

The PTO mailed an Office Action, which was an additional Restriction Requirement, on June 1, 2009.

Applicants filed a response on September 1, 2009.

The PTO mailed a Final Office Action on November 23, 2009.

On February 17, 2010, the PTO mailed a Non-Final Office Action, which stated that the Final Office Action of November 23, 2009, had been withdrawn, resulting in a PTO delay of 47 days beyond the 4 months provided by 35 U.S.C. § 154(b).

Applicants filed a response on May 17, 2010.

The PTO mailed a Notice of Allowance on July 21, 2010.

### **Calculation of Patent Term Adjustment**

As set forth above, the total PTO delay under 35 U.S.C. § 154(b)(1)(A) is 153 days, and the total reduction for Applicant delay under 35 U.S.C. § 154(b)(2)(C) is 2 days. The total patent term adjustment is equal to the total PTO delay minus the Applicant delay. Thus, the correct Patent Term Adjustment in this case is  $153 - 2 = 151$  days. Applicants respectfully request that the current patent term adjustment be reconsidered.

### **B. Terminal Disclaimer**

The above-identified application is not subject to a Terminal Disclaimer.

### **C. Reasonable Efforts**

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

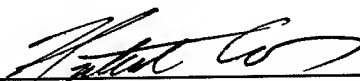
## **II. Fee**

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to Deposit Account 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 20, 2010

By:   
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